

PEARSON, MJ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|------------------------------------|---|---------------------------------------|
| SUSAN MOSLEY, |) | CASE NO. 1:09-CV-1178 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MAGISTRATE JUDGE |
| |) | BENITA Y. PEARSON |
| MICHAEL J. ASTRUE, Commissioner of |) | |
| Social Security, |) | |
| |) | <u>SUPPLEMENTAL MEMORANDUM</u> |
| Defendant. |) | <u>OPINION AND ORDER</u> |

On November 19, 2010, the Court issued a ruling on Plaintiff's Motion for Award of Attorney Fees ([ECF No. 23](#)), pursuant to the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#), in advance of receiving the Commissioner of Social Security's ("Commissioner") timely filed objection.¹ [ECF No. 25](#). Based upon review of all of the relevant pleadings, including the Commissioner's objection, the Court confirms its ruling made in [ECF No. 24](#), granting Plaintiff's Motion for Award of Attorney Fees, and directing that the payment of those fees be made directly to Plaintiff Mosely, rather than to her counsel as assignee.²

Accordingly, the Court grants Plaintiff Mosley's Motion for Payment of Attorney Fees in

¹ The Commissioner's objection states, in pertinent part: "The Commissioner does not object to this amount as excessive. However, Plaintiff also asks the "fees be paid directly to Plaintiff's counsel, as assignee of the Plaintiff" (Pltf's EAJA Mot. at 3). The Commissioner objects to this request as being in violation of *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), and requests that this Court direct any EAJA award to remain payable to Plaintiff." [ECF No. 25 at 1](#).

² The Court's ruling in the Memorandum Opinion and Order issued November 18, 2010, [ECF No. 24](#), is incorporated herein.

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the amount of \$1,962.50 to be paid directly to Plaintiff, Susan Mosely, the prevailing litigant.

IT IS SO ORDERED.

November 23, 2010

Date

/s/ Benita Y. Pearson

United States Magistrate Judge